

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOE DON DEMONTINEY,

Defendant.

CR-18-80-GF-BMM

ORDER

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on December 2, 2021. (Doc. 81.) Joe Demontiney (Demontiney) filed an objection on January 11, 2022. (Doc. 82.) The Court reviews de novo findings and recommendations to which a party objects. 28 U.S.C. § 636(b)(1).

Judge Johnston conducted a revocation hearing on December 28, 2021. (Doc. 76.) The United States accused Demontiney of violating his conditions of supervised release by 1) failing to report for substance abuse testing and by failing to provide a valid urine sample; 2) by leaving the State of Montana without obtaining the prior approval of his probation officer; 3) by possessing methamphetamine; 4) by possessing a firearm; and 5) by committing another

crime. (Doc. 73.) At the revocation hearing, Demontiney admitted to violating the terms of his supervised release by 1) failing to report for substance abuse testing and by failing to provide a valid urine sample; 2) by leaving the State of Montana without obtaining the prior approval of his probation officer; 3) by possessing methamphetamine; 4) by possessing a firearm; and 5) by committing another crime. (Doc. 76.) Judge Johnston found the violations Demontiney admitted are serious and warrants revocation of Demontiney's supervised release. Judge Johnston recommended Demontiney be incarcerated for 18 months, with no supervised release to follow. Judge Johnston also recommended that Demontiney serve his term of custody at the Bureau of Prison's facility in Sheridan, Oregon. (Doc. 81.) Demontiney was advised of his right to appeal and his right to allocute before the undersigned. (Doc. 76.)

Demontiney now opposes Judge Johnston's Findings and Recommendations, objecting to the length of his sentence of imprisonment. (Doc. 82.)

The Court has reviewed Judge Johnston's Findings and Recommendations as well as Demontiney's objection. The undersigned conducted a revocation hearing on January 18, 2021. (Doc. 84.) Demontiney and his attorney were allowed to allocute before the undersigned. (*Id.*) The Court has also considered

the 18 U.S.C. § 3553(a) factors and agrees with Judge Johnston's Findings and Recommendations.

Demontiney's violations of his conditions of supervised release represents a serious breach of the Court's trust. This violation proves serious. Judge Johnston has recommended that the Court revoke Demontiney's supervised release and commit him to the custody of the Bureau of Prisons for 18 months at the BOP in Sheridan, Oregon. (Doc. 81.) Judge Johnston further recommended a no supervised release to follow. (*Id.*) Accordingly,

IT IS HEREBY ORDERED that Demontiney's objection is denied. Judge Johnston's Findings and Recommendations, (Doc. 81) are ADOPTED IN FULL.

IT IS FURTHER ORDERED that Defendant Joe Don Demontiney be sentenced to the custody of the Bureau of Prisons for 18 months, with no supervised release to follow. Demontiney should serve his term of custody at the BOP facility in Sheridan, Oregon.

DATED this 18th day of January, 2022.

A handwritten signature in blue ink, reading "Brian Morris".

Brian Morris, Chief District Judge
United States District Court